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AUG 10 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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August 10, 1993

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

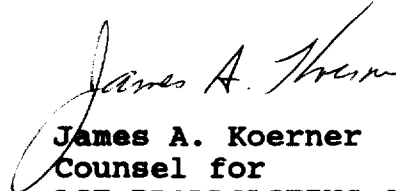
Re: MM Docket No. 93-107

Dear Mr. Caton:

Transmitted herewith in triplicate is a Joint Memorandum in the above-referenced proceeding, filed in response to the Presiding Judge's Prehearing Order.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
ASF BROADCASTING CORPORATION

Enclosures

cc: Administrative Law Judge Walter C. Miller
James Shook, Esquire, FCC
Arthur V. Belendiuk, Esquire
Eric S. Kravetz, Esquire
Dan J. Alpert, Esquire
Stephen T. Yelverton, Esquire

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Before the
Federal Communications Commission
Washington, D.C. 20554

AUG 10 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of) MM Docket No. 93-107
DAVID A RINGER)
et al.) File Nos. BPH-911230MA et al.
For Construction Permit for)
New FM Station on Channel 280A)
at Westerville, Ohio)

TO: Administrative Law Judge
Walter C. Miller

MEMORANDUM

On behalf of David A. Ringer, ASF Broadcasting Corporation, Wilburn Industries, Inc., Shellee F. Davis, and Ohio Radio Associates, Inc., parties to this proceeding, this Memorandum is submitted in response to the requirement in paragraph 17 of the Presiding Judge's Prehearing Order (FCC 93M-186) released April 26, 1993.

On August 3, 1993, at 2:00 P.M., the parties convened a settlement conference at the offices of Dan J. Alpert, Esq., counsel to Shellee F. Davis. Present at the conference were the following:

DAVID A. RINGER	David A. Ringer Arthur V. Belendiuk, Esq.
ASF BROADCASTING CORPORATION	Ardeth S. Frizzell James A. Koerner, Esq.
WILBURN INDUSTRIES, INC.	Charles W. Wilburn Eric S. Kravetz, Esq.
SHELLEE F. DAVIS	Shellee F. Davis Dan J. Alpert, Esq.

OHIO RADIO ASSOCIATES, INC. Joseph D. Carney
 Stephen T. Yelverton, Esq.

For the record, it should be noted that this was not the first settlement conference. Some informal attempts at settlement had been made even prior to the designation for hearing in this matter. Since the designation, counsel for the parties discussed settlement on May 12, 1993 during the course of a meeting dealing with discovery. Counsel held another settlement conference on June 10, 1993. Principals of the applicant parties, without counsel, met in Columbus, Ohio on July 7, 1993. Thus, the August 3, 1993 meeting was actually the fourth settlement conference.

In response to the particular questions posed, the following is submitted:

- (a) "Has this case been settled?" No.
- (b) "If the case hasn't been settled, were any offers made at the conference? If so, are they still open? For how long?" A settlement scenario was placed on the table at the very first settlement conference, among counsel. That offer, with minor adjustments, is still on the table, so it is still open. Although no deadline has been set for acceptance of the offer, for various reasons, the exhibit exchange date may be a deadline.
- (c) Not presently applicable.

Efforts toward settlement are continuing, but, at this time, it can only be reported that not all parties are in agreement, so that the case has not settled.

Respectfully submitted,

ASF BROADCASTING CORPORATION


By


James A. Koerner
Its Attorney

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WILBURN INDUSTRIES, INC.

By


Eric S. Kravetz
Its Attorney

BROWN, NIETERT & KAUFMAN
1920 N Street, N.W., Suite 660
Washington, D. C. 20036

SHELLIE F. DAVIS

By *Dan J. Alpert*
Dan J. Alpert, Esquire
Her Attorney

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OHIO RADIO ASSOCIATES, INC.

By *Stephen T. Yelverton*
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AUGUST 10, 1993

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